



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUN 11 2015

Chris K. Gober, Esq.
1005 Congress Avenue
Suite 350
Austin, TX 78701

RE: MUR 6847
Friends of Bob Johnson
and Edward L. Shapoff, as treasurer

Dear Mr. Gober:

The Federal Election Commission ("Commission") previously notified your clients, Friends of Bob Johnson and Edward L. Shapoff, in his official capacity as treasurer (collectively, the "Committee"), of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations. (Please note that on September 1, 2014, the Act was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.)

On May 19, 2015, based upon the information contained in the complaint and information provided by you on behalf of the Committee, the Commission dismissed the allegations that the Committee violated the Act and Commission regulations, pursuant to the Commission's prosecutorial discretion. *See Heckler v. Chaney*, 470 U.S. 821 (1985). Accordingly, the Commission closed its file in this matter on May 19, 2015.

The Commission encourages the Committee to review the enclosed Factual and Legal Analysis, which sets forth the statutory and regulatory provisions considered by the Commission in this matter. In particular, the Commission reminds the Committee to amend its 2013 Year End Report to reflect the updated contributor information, pursuant to 11 C.F.R. § 104.7(b)(4). For further information on the Act, please refer to the Commission's website at www.fec.gov or contact the Commission's Public Information Division at (202) 694-1100.


Documents related to this case will be placed on the public record within 30 days. *See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files*, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and *Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record*, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

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If you have any questions, please contact me at (202) 694-1650 or toll free at (800) 424-9530.

Sincerely,

General Counsel



BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination
& Legal Administration

Enclosure:

Factual and Legal Analysis for Friends of Bob Johnson and Edward L. Shapoff as treasurer

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Friends of Bob Johnson
and Edward L. Shapoff as Treasurer

MUR 6847

I. INTRODUCTION

This matter was generated by a complaint filed by Donald J. Tuten on June 25, 2014, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act")¹ and Commission regulations by Friends of Bob Johnson and Edward L. Shapoff in his official capacity as treasurer. It was scored as a relatively low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

II. FACTUAL AND LEGAL ANALYSIS

The Complainant in this matter, Donald J. Tuten, alleges that Friends of Bob Johnson² and Edward L. Shapoff in his official capacity as treasurer (the "Committee") accepted excessive contributions and failed to disclose occupation and employer information in violation of the Act and Commission regulations. Compl. at 1. Specifically, the Complainant alleges that, "[b]ased on FEC reports," the Committee accepted an excessive contribution in the amount of \$250 from one individual, Carolyn Blohm, for the 2014 primary election. *Id.* at 2. Complainant asserts that Carolyn Blohm contributed \$1,000 to the Committee on June 28, 2013, \$1,500 on December 28, 2013, and \$250 on April 29, 2014, and that all of the contributions were attributed to the May 20, 2014 primary election. *Id.*

¹ On September 1, 2014, the Federal Election Campaign Act of 1971, as amended (the "Act"), was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

² Robert Eugene Johnson, M.D. was a 2014 Republican candidate for Georgia's 1st Congressional District. Johnson ran in the Republican primary election held on May 20, 2014; he lost the July 22, 2014 runoff election.

In response, the Committee acknowledged that it inadvertently attributed a \$250 contribution from Dr. Patrick Blohm to his spouse, Carolyn Blohm. Committee Resp. at 1. The Committee states that in April 2014, Patrick Blohm attended a Committee fundraiser and provided a \$250 check, "[intending] for the contribution to be from Dr. [Patrick] Blohm." *Id.* The Committee states that both Patrick and Carolyn Blohm's names appeared on the check, and that the Committee "mistakenly attributed the contribution to Carolyn Blohm because she signed the check." *Id.* The Committee contends that it was unaware of the apparent excessive contribution until the Complaint was filed, and that the lapse was due to the transition to a new software program. *Id.* at 2. The Committee states that it has since refunded the contribution. *Id.*

Carolyn Blohm responded that she contributed a total of \$2,500 to the Committee for the 2014 primary election, and that the Committee attributed an additional \$250 to her, when it was intended "only to cover [her husband's] contribution to Dr. Johnson." Carolyn Blohm Resp. at 1, 2. Attached to Carolyn Blohm's response is a letter from the Committee stating that the attribution error was inadvertent and that the alleged excessive contribution would be immediately refunded. *Id.*, Attach.

The Committee's filings disclose three contributions from Carolyn Blohm for the 2014 primary election, totaling \$2,750: \$1,000 on June 28, 2013; \$1,500 on December 28, 2013; and \$250 on April 29, 2014.³ See Amended 2013 July Quarterly Report, filed on May 4, 2014, at 5; Amended 2013 Year End Report, filed on May 5, 2014, at 7; and 2014 12 Day Pre-Primary Report, filed on May 8, 2014, at 5. The Committee also disclosed a \$1,000 contribution from Carolyn Blohm on May 29, 2014, designated for the 2014 runoff election. See 2014 12 Day Pre-

³ The Committee also disclosed a \$500 primary election contribution from Patrick Blohm on October 16, 2013. See Amended 2013 Year End Report, filed on May 5, 2014, at 7.

1 Runoff Report, filed on July 10, 2014, at 8. The Committee disclosed a \$250 refund to Carolyn
2 Blohm dated July 14, 2014. *See* 2014 October Quarterly Report, filed October 15, 2014, at 110.

3 Complainant also alleges that the Committee failed to provide the occupation and name
4 of employer of one individual, David Stewart, who reportedly made a \$250 contribution to the
5 campaign on October 22, 2013. Compl. at 1, 2. The Committee responded that Stewart did not
6 provide the requested occupation and name of employer at the time the contribution was made,
7 and that the Committee was unsuccessful in its attempt to obtain the missing information.

8 Committee Resp. at 2. As such, the Committee states it disclosed “unknown-researching” in the
9 appropriate fields on its next scheduled report. *Id.* The Committee contends that, to the best of
10 its knowledge, “all solicitation requests made by the Committee contained the ‘best efforts’
11 request for employer and occupation information.” *Id.* The Committee states that Stewart made
12 a subsequent contribution to the campaign in May 2014 that included his occupation and
13 employer information, and that it intends to amend its 2013 Year End Report to include the
14 missing information. *Id.* To date, the Committee has not amended its 2013 Year End Report to
15 disclose the missing information.

16 Given the small amount at issue in this matter, coupled with the fact that the alleged
17 excessive contribution has now been refunded by the Committee, and because the Committee
18 took steps to initially indicate on its disclosure report that it was seeking the contributor
19 information and that only one contribution was alleged to be at issue, the Commission exercises
20 its prosecutorial discretion, pursuant to *Heckler v. Chaney*, 470 U.S. 821 (1985), and dismisses
21 the allegations that Friends of Bob Johnson and Edward Shapoff in his official capacity as
22 treasurer violated the Act and Commission regulations.